1951. **File No.** O. Foreigners 51

Legal Dept:

A. **BRANCH**

Subject:— opinions under the Foreigners Act- 1946

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1	2268 6-2-1951	Section 3(2) Whether there is any legal objection to the Government of India passing a deportation order against Mahamed Hanif, a subject of Nepal State.	1-2
2	13933 26-11-1951	Entry of Nespicio Alphanso	3-4

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Legal Department.

As Mohamed Hanif is a subject of the Nepal State, there is no objection to the Government of India passing a deportation order against him under section 3(2) of the Foreigners Act, 1946(XXXI of 1946). It appears that the Government of India do not wish to move the Government of Nepal to forward formal extradiction proceedings but they will presumably have no objection to passing a deportation order under the Foreigners Act.

Id./..... 1/2

Additional Secretary to Government

U.R. to P.& S.D., No. 2268, dated the 6th February 1951.

SMR 22-6-56
4 Copies.

Office of the R.L.A.

Entry of Respicio Alphanso

Foreigners Act, 1946 and Foreigners Order, 1948.

The order of deportation issued under section 3 of the Foreigners Act, 1864 contained merely a direction to leave British India and that direction having been obeyed the order has spent itself and there is no question of continuing it under the Foreigners Act, 1946. Under the Act of 1864, a deported person who wilfully returned without a licence in writing granted by the Governor-General of India in Council or by the Provincial Government under whose orders he shall have removed himself or been removed, was liable to be apprehended and detained in safe custody, until he was discharged therefrom by order of the Governor General of India in Council, or of the Provincial Government, upon such terms and conditions as may be imposed (vide section 4 of the Foreigners Act, 1864) On repeal of the Act, this provision will not be available, but under clause 3 of the Foreigners Order, 1948, which is made by the Central Government under the Foreigners Act, 1946, no foreigner can enter India otherwise than at a port or such place of entry on the borders of India as a Registration Officer having jurisdiction at such port or place may appoint in this behalf, or without the leave of the Civil authority having jurisdiction at such port or place. As leave is necessary to enter India it would be open to Government to prohibit Mr. Respicio's entry into India if there are sufficient reasons

to ~~am~~ do so and the fact that provisions of section 4 of the old act are no longer available will be immaterial.

Id./..... 26/11

Remembrancer of Legal Affairs.

U.R. to P.& S.D.No. 18933, dated the 26th November 1951.

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4 Copies.